MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL, ON WEDNESDAY, JUNE 3, 1998.

Members Present: Patrick J. Gilmartin, Chairman

Robert Buford William Hoffman Peter Lilienfield Allen Morris

Also Present: Kevin J. Plunkett, Village Counsel

Brenda Livingston, Ad Hoc Planning Board

Member

Eugene Hughey, Building Inspector Florence Costello, Planning Board Clerk J&L Reporting Service, for Westwood

Development Associates

Applicants and other persons mentioned in these Minutes

Members of the Public.

IPB Matters

Considered: 94-03 -- Westwood Development Associates, Inc.

Sht.10, P25J2, 25K2; Sht.10C, Bl.226, Lots 25A, 26A,

Sht.11, Lots P-25,25J

95-21 -- Spectrum Irvington Corp.

(Amendment)

Sht. 12B, Lot 24

96-13 -- Louis W. Goodkind

Sht. 10F, Bl. 253, Lot 15

97-14 -- Ettore & Maria D'Alessio

Sht. 13, Lot 141A

98-06 -- Robert & Katherine Mackie - 41

North Broadway

Sht. 2, P110C & 110D

98-12 -- Boran Construction - 76 Main

Street

Sht. 5, Bl. 212, Lot 4 & 5

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

In Lieu Fee Calculation. The Chairman noted that the Subdivision Regulations of the Village (Chapter 207 of the Village Code) require the In Lieu Fee which is payable pursuant to Section 207-20 of the Subdivision Regulations by a subdivider who is required to dedicate to the Village less than a Proportionate Recreation Share in order to meet New Development Park Demand is to escalate every January 1, based on the change in the US Dept. of Labor, Consumer Price Index, Urban Wage Earners and Clerical Workers (CPI-W) U.S. City average, all items. Because the index is prepared on a monthly basis, rather than a daily basis, the Board determined that it would be appropriate to continue its past practice of using the index for December as a benchmark for the index as of January 1 each year, rather than to use the January index, and to use the index unadjusted for seasonal variation. The index in December 1988 was 355.0 (1967=100). The index in December 1997 was 471.3. Board then calculated the In Lieu Fee applicable to the calendar year 1998 as follows:

CPI December 1997 471.3 CPI December 1998 355.0 471.3 - 355.0 = 132.76%

 $$6,000 \times 132.76\% = $7,965.60$

On motion duly made, seconded and unanimously carried, the Board decided to round the result of the calculation and determined the In Lieu Fee applicable to calendar year 1998 to be \$7,965.60.

New Procedure. The Village Board has adopted a Resolution providing that all real property taxes must be current as a condition to any application being considered by the Planning Board. Some procedure is required to make Planning Board aware taxes are unpaid. Village Counsel to find a method to manage the new requirement.

IPB Matter #98-12: Application of Boran Construction Corp., for Site

Development Plan Approval for property at 76 Main St.

Kenneth Nadler, Architect, appeared for the Application. Mr. Nadler reconfirmed the proposed building site plan had been revised to provide for auto entry from Main Street and exit onto Ferris Street. A total of 11 on-site (1 handicapped) and 6 curbside parking spaces is proposed. There was much discussion of how many parking spaces are required by the Village Code. Mr. Plunkett advised that more spaces than proposed by the plan are needed for approval without variances, but he would have to study the plan and Code to determine the actual requirements. An additional variance will be needed to accommodate the square foot plan proposed and also for the number of dwelling units proposed.

The Chairman opened the discussion to the public. Neil Basescu of 11 South Ferris Street asked how many new cars will be added to the Village traffic by the building. No one could answer but this is a subject for the D.E.I.S. Edgar Malecki, 40 South Ferris Street, asked about how much more new parking would be added -- response was 6 spaces. Earl Ferguson, 14 South Ferris Street, expressed concern about how garbage will be picked up at retail stores and apartments.

Various Board members commented favorably on the concept of the plan. Because of all the variances required for the proposed plan, the Board discussed whether there was a procedure which would enable the Applicant to get the Application before the ZBA before detailed plans were worked out, in order to spare the Applicant from going to that expense only to find that the plan was unworkable because necessary variances would not be granted.

The Board advised Mr. Nadler to file a formal application with the Planning Board for a Determination of Site Capacity and for Site Plan Approval. The Board would determine the Site Capacity and reject the Site Plan because of the variances needed. The Applicant would then be able to go to the Zoning Board to ask for such variances.

IPB Matter #95-21:
Corp., for an
Amendment to Site Development Plan

Approval for

Lot #24, Legend Hollow.

Mr. Craig Studer appeared for the Applicant. The Chairman re-opened the public hearing carried over from the May 6, 1998 meeting at which the Board requested more information to address E.C.B.'s concerns regarding driveway width to eliminate intrusion on wetlands. The Chairman called for public comment. There were no comments from the public. After discussion the Board unanimously approved Site Plan (Lot #24) dated 3/4/98 last revised 6/2/98.

Mr. Studer said he had followed up with the present developer of the Legend Hollow property about who owns the balance in the escrow account established with the Village by the prior owner, and it was felt that this was the prior owner's money. He said the present owner will establish its own escrow account. Mr. Studer will present a report on chlorine discharge impact from pools at the next pool application.

<u>IPB Matter #98-06:</u> Application of Robert & Katherine Mackie for a three

lot subdivision and Limited Site Development Plan Approval for property at 41A North Broadway.

Norman Sheer, Esq., and Timothy Cronin, P.E., appeared for the Application. The Chairman re-opened the public hearing carried over from the May 6, 1998 meeting. There was discussion of D.O.T. approval, which has yet to be received for connecting to utilities in the right of way of Route 9. The Chairman confirmed that he had circulated notice of the Planning Board's intent to be Lead Agency for SEQRA purposes and had no response. There were no comments from the public. The Planning Board declared itself Lead Agency, completed the long form Environmental Assessment Form, and made a Negative Declaration. The Limited Site Development Plan and the Preliminary Layout Plan were approved. A public hearing on the final subdivision plat was scheduled for the July 1, 1998 meeting.

IPB Matter #96-13: Application of Louis W. Goodkind for Final Subdivision and Limited Site Plan Approval of property at Harriman Road and

Fieldpoint Drive.

Gerald D. Reilly, Esq., appeared for the Application and submitted evidence of mailing and publication for tonight's public hearing for Final Subdivision and Limited Site Plan Approval. The public hearing was opened and questions from Mr. Moss, a neighbor, on building location were addressed. There were no other comments from the public.

After much discussion, the Board adopted a Resolution in the form attached hereto granting final subdivision approval for the "Subdivision Map prepared for Louis W. Goodkind, completed December 20, 1996, revised May 22, 1998". Because of questions about site distance on Fieldpoint Drive from the drawings shown on the plan for Lot 1, the public hearing on approval of the Limited Site Plan for Lots 1 and 2 was continued to the July meeting. There has been no comment from the Police Chief on the request that no parking be allowed on Fieldpoint Drive. Questions on 100 year flood boundary and wetlands are to be discussed at the July meeting. Mr. Goodkind paid In Lieu Fee due Village.

<u>IPB Matter #97-14:</u> Application of Ettore & Maria D'Alessio for Final

Approval and Site Plan Approval for property at

27 Hamilton Road.

Gerald D. Reilly, Esq., and Christina Griffin, Architect, appeared for the Applicant. As requested at the May 6, 1998 Planning Board meeting, Applicant furnished "Subdivision Map prepared for Ettore & Maria D'Alessio" dated January 31, 1997, completed May 19, 1998, and "Survey/Site Plan prepared for Ettore & Maria D'Alessio" dated January 31, 1997, last revised May 19, 1998, prepared by Charles Riley, Land Surveyor and Planner. The Board adopted the Resolution attached herewith, and Resolution for Final Layout Approval and Site Plan Approval of D'Alessio Subdivision. Mr. Reilly confirmed all fees were paid.

<u>IPB Matter #94-03:</u> Application of Westwood Development Associates, Inc.

for Limited Site Development Plan
Approval for property at
Broadway, Riverview Road and Mountain

Road.

Messrs. Padraic Steinschneider and Charles Pateman appeared for the Applicant. There was a general discussion of the plan for site development and of the status of the preparation of a Revised DEIS. The Chairman opened discussion to the public. Max Thayerity of Mountain Road asked number of houses on Tracts B and C. Mr. Leitzes wanted to change July meeting date. Ed Canelli wanted to know about getting more stop signs on Mountain Road. Anna Bianchine showed photos of traffic on Mountain Road and expressed safety concerns about the lack of sidewalks. The Chairman said that assuming the next submission is found satisfactory for public review, he would not wish to schedule a public hearing on the DEIS during the summer because the sensitivity of the development proposed had sparked high public interest, and having such hearings during vacation periods would be a disservice to the public.

A complete transcript of the proceeding relating to this matter was prepared and is incorporated herein by reference.

The Board then considered the following administrative matters:

- The Chairman said he had the sad duty of announcing that Mr. Robert Buford is leaving the Planning Board after 9+ years of service. He and the Board expressed their sincere appreciation to Mr. Buford for his contributions to the Board's work and the Chairman said that he in particular would miss Mr. Buford's insightful comments and suggestions on the plans and proposals which come before the Board.
- Minutes of the Planning Board held on April 1, 1998, and May 6, 1998, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for July 1, 1998 at 8:00 p.m.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary